

**Senate Bill No. 1655**

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Passed the Senate May 30, 2006

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*Secretary of the Senate*

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Passed the Assembly August 22, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 35036 to the Education Code, relating to teachers.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1655, Scott. Teachers: voluntary transfers.

Existing law authorizes the superintendent of a school district, upon adoption by the governing board of the school district of a policy concerning transfers of teachers from one school to another school within the district, to transfer teachers consistent with that policy.

This bill would, notwithstanding that authority, prohibit a superintendent from transferring a teacher who requests to be transferred to a school offering kindergarten or any of grades 1 to 12, inclusive, that is ranked in deciles 1 to 3, inclusive, on the Academic Performance Index if the principal of the school refuses to accept the transfer. The bill would prohibit the governing board of a school district from adopting a policy or regulation, or entering into a collective bargaining agreement, that assigns, after April 15 of the school year prior to the school year in which the transfer would become effective, priority to a teacher who requests to be transferred to another school over other qualified applicants who have applied for positions requiring certification qualifications at that school. The bill would provide that, if its prohibitions are in direct conflict with the terms of a collective bargaining agreement in effect on January 1, 2007, those prohibitions become operative with regard to the employees governed by that agreement upon its expiration.

*The people of the State of California do enact as follows:*

SECTION 1. Section 35036 is added to the Education Code, to read:

35036. (a) Notwithstanding subdivision (d) of Section 35035, the superintendent of a school district may not transfer a teacher who requests to be transferred to a school offering kindergarten or any of grades 1 to 12, inclusive, that is ranked in

deciles 1 to 3, inclusive, on the Academic Performance Index if the principal of the school refuses to accept the transfer.

(b) The governing board of a school district may not adopt a policy or regulation, or enter into a collective bargaining agreement, that assigns, after April 15 of the school year prior to the school year in which the transfer would become effective, priority to a teacher who requests to be transferred to another school over other qualified applicants who have applied for positions requiring certification qualification at the school.

(c) The prohibitions in this section shall become operative on January 1, 2007. If the prohibitions in this section are in direct conflict with the terms of a collective bargaining agreement in effect on January 1, 2007, the prohibitions of this section shall become operative on the employees governed by that agreement upon its expiration.

Approved \_\_\_\_\_, 2006

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*Governor*